

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

QUENTIN N. BURDICK UNITED STATES COURTHOUSE
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DIANNE G. SCHMITZ
CLERK

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Date: October 2, 2009

**From: Dianne Schmitz, Clerk
U.S. Bankruptcy Court**

**Re: General Order and Other Documents Effective December 1, 2009 -
Incorporation of Amendments to Federal Rules of Bankruptcy Procedure**

Effective December 1, 2009 changes will be made to numerous federal rules to simplify the time-computation methods and make them consistent across the rules, i.e., Bankruptcy, Civil, Appellate and Criminal. Deadlines of fewer than 30 days in the rules are amended to deadlines that are in multiples of seven days.

- 5 day periods become 7 day periods
- 10 day periods become 14 day periods
- 15 day periods become 14 day periods
- 20 day periods become 21 day periods
- 25 day periods become 28 day periods

The Bankruptcy Clerk's Office has been "scrubbing" our local processes and procedures to ensure that all are in compliance with, and reflect the requirements. In order to assist you with these changes, please note the attached updated guides identifies these changes.

- **General Order**

The Court has issued the attached [General Order](#) addressing the local rules that have been affected by these changes.

- **Guide to Rules, Proceedings and Hearing Pursuant to Local Rule 2002-1 (Effective 12/1/2009)**

For your convenience, an [updated draft guide](#) has been prepared regarding common motion practice to be used in the U.S. Bankruptcy Court for the District of North Dakota. The current guide will be available on our website until 11/30/2009.

- **Reference Guide - December 1, 2009 "Days are Days" Rule Amendments**

To assist in understanding the widespread impacts of these amendments (both federal and local), we have prepared a ["Quick Reference Guide"](#) to the changes. The guide provides an overview to the time computation changes in both ascending numeric order (by Rule number) and grouped by day-counts impacted. As the "disclaimer" on the guide states: The information contained in these Quick Reference Sheets is provided only as a convenience to the bar and it is not meant to be a

complete statement of the law. The information is accurate as of the date of publication, but it should not be cited or relied upon as legal authority, or used as a substitute for reference to the United States Bankruptcy Code (title 11, United States Code), the Federal Rules of Bankruptcy Procedure, or to local rules or general orders of this court.

- **Time Computation Presentation**

A detailed [presentation](#) regarding the changes to the time computation rules is available.

- **Reaffirmation Agreement Cover Sheet (Form B27) - Required on/after December 1, 2009**

In September 2008, the Judicial Conference approved Official Form B27 - [Reaffirmation Agreement Cover Sheet](#), with an effective date of December 1, 2009. This new form gathers certain financial information, including information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship under §524(m) of the Code, and it allows the debtor to provide additional information that may rebut such a presumption. To implement the requirements of Bankruptcy Rule 4008(b), the form also provides for a disclosure of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement, together with an explanation of any such differences. Finally, the form requires a certification that the information supplied is true and correct. This form can be found at <http://www.uscourts.gov/bankform/index.html>.

- **Official Form 1, Exhibit D**

Statement 3 is modified to conform to the new seven day deadline. This form can be found at <http://www.uscourts.gov/bankform/index.html>.

Please contact the Bankruptcy Clerk's Office with any questions you have regarding these pending changes.